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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 5 February 2009 from the Permanent Mission of Belgium to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Belgium to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo.

Pursuant to paragraph 7 of Security Council resolution 1857 (2008), Belgium has the honour to transmit to the Committee the following information on the implementation of the measures imposed by paragraphs 1, 2, 3, 4 and 5 of that resolution.

Belgium and the other States members of the European Union have jointly implemented the restrictive measures imposed by resolutions 1807 (2008) and 1857 (2008) by adopting Council Common Position 2009/66/CFSP of 26 January 2009 amending Common Position 2008/369/CFSP concerning restrictive measures against the Democratic Republic of the Congo.

Because resolution 1857 (2008) sets out additional criteria for the designation by the Committee established pursuant to resolution 1533 (2004) of individuals and entities subject to the assets freeze and travel ban, and renews until 30 November 2009 the measures imposed by resolution 1807 (2008), Common Position 2008/369/CFSP had to be amended. A Council regulation implementing the restrictions provided for in this common position will be adopted shortly.

With respect to the renewal, under paragraph 1 of resolution 1857 (2008), of the measures on arms imposed by paragraph 1 of resolution 1807 (2008), Belgium has legislation requiring that an export licence be obtained for any supply, sale, transfer or export of arms and related materiel to third countries. The law of 5 August 1991 on the import, export and transit of military and law enforcement arms, ammunition and materiel and related technology and on measures to combat trafficking in such items, as amended by the law of 26 March 2003, forbids any person residing in Belgium to take part in any arms transaction without a licence issued for that purpose by the Minister of Justice. The law further provides that licensees may not carry out any transaction in violation of an embargo declared by

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an international organization of which Belgium is a member (articles 10 and 11). Lastly, the same law provides that any export or transit licence application must be rejected if it is incompatible with Belgium's international obligations and its commitments to implement the arms embargoes declared by the United Nations, the Organization for Security and Co-operation in Europe and the European Union (article 4, paragraph 1(2)).

Paragraph 2 of resolution 1857 (2008) provides for the renewal of the measures on transport imposed by paragraphs 6 and 8 of resolution 1807 (2008). However, these measures concern only the countries of the region.

With respect to the financial measures imposed by paragraphs 3, 4 and 5 of resolution 1857 (2008), on 18 July 2005 the Council adopted Regulation (EC) No. 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo. This regulation has been amended to reflect the changes in the consolidated list of the Committee established pursuant to resolution 1533 (2004). As mentioned above, a Council regulation implementing the assets and economic resources freeze provided for in Common Position 2009/66/CFSP will be adopted in the near future.

The law of 13 May 2003 on the implementation of the restrictive measures adopted by the Council of the European Union against certain States, individuals and entities penalizes violations of measures adopted at the European level.

With respect to the travel measures imposed by paragraphs 3, 4 and 5 of resolution 1857 (2008), the consolidated list of the Committee established pursuant to resolution 1533 (2004) is communicated to Belgium's diplomatic and consular posts abroad with instructions not to issue visas to any of the individuals subject to sanctions. This denial of visas is based on article 5, paragraph 1 (e), of the Convention implementing the Schengen Agreement and on Common Position 2009/66/CFSP. If an individual whose name appears on the list were to seek entry at the border, the said individual would be refused entry in accordance with article 3 of the law of 15 December 1980 on foreign nationals' access to, stay and establishment in and departure from the territory of Belgium.